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No.

3613

1287

United States /
Circuit Court of Appeals
For the Ninth Circuit.

HENRY W. CRUMRINE et al.,

Plaintiffs in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

ROY W. CANAGA et al.,

Plaintiffs in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Transcript of Record.

Upon Writ of Error to the United States District
Court, for the Southern District of Cal-
ifornia, Southern Division.

FILED

FEB 10 1921

F. D. MORGENTHAU

No.

United States
Circuit Court of Appeals
For the Ninth Circuit.

HENRY W. CRUMRINE et al.,
Plaintiffs in Error,
vs.
UNITED STATES OF AMERICA,
Defendant in Error.
ROY W. CANAGA et al.,
Plaintiffs in Error,
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Defendant in Error.

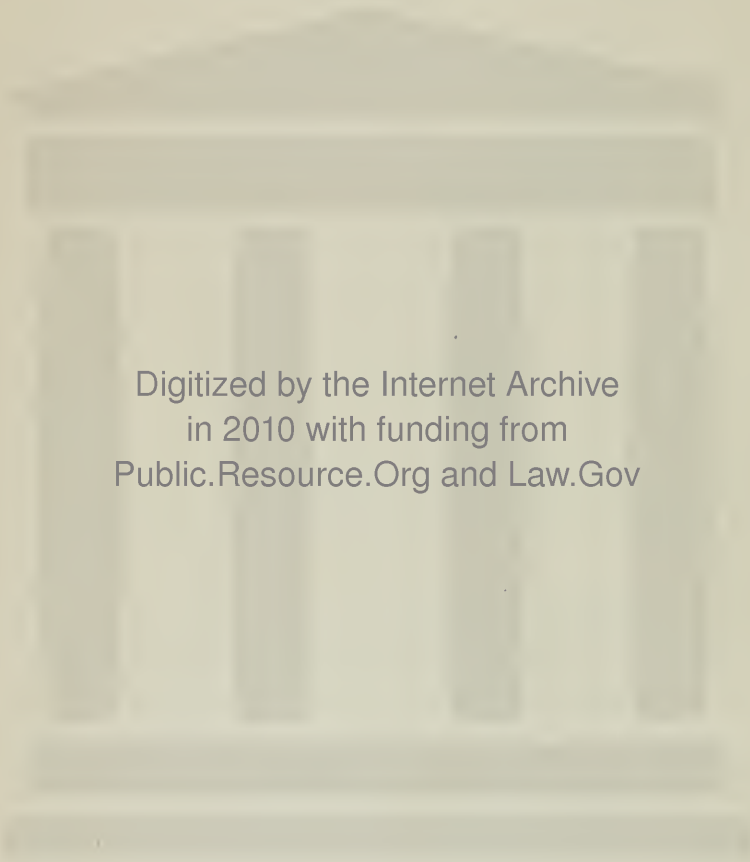
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Upon Writ of Error to the United States District
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ifornia, Southern Division.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys.

For Plaintiffs in Error:

DAVIS, RUSH & MacDONALD, Esqs., 600
Bryson Block, Los Angeles, California, and
CHARLES L. ALLISON, Esq., San Bernardino,
California.

For Defendants in Error:

ROBERT O'CONNOR, Esq., United States At-
torney and WM. F. PALMER, Esq., Special
Assistant United States Attorney, fourth floor
Federal Building, Los Angeles, California.

IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA SOUTHERN DIVISION.

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 2033 Crim.

HENRY W. CRUMRINE, et al.,)
)
 Defendants.)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 2047 Crim.

ROY W. CANAGA, et al.,)
)
 Defendants.)
)
) Citation on
 Consolidated.)
) Writ of Error.

UNITED STATES OF AMERICA,)
)
 SOUTHERN DISTRICT OF CALIFORNIA,) SS.
)
 SOUTHERN DIVISION.)

TO THE UNITED STATES OF AMERICA,
 AND TO ROBERT O'CONNOR, ESQ.,

UNITED STATES ATTORNEY FOR THE
SOUTHERN DISTRICT OF CALIFORNIA,

GREETING:

You are hereby cited and admonished to be and appear before the United States Circuit Court of Appeals for the Ninth Circuit, at San Francisco, California, within thirty days from the date hereof, pursuant to a writ of error filed in the Clerk's office of the District Court of the United States, for the Southern District of California, Southern Division, wherein William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga are plaintiffs in error and you are the defendant in error, to show cause, if any there be, why the judgment in said writ of error mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Given under my hand and seal, at Los Angeles, California, in the said Southern District of California, this 5th day of January 1921.

Bledsoe

United States District Judge
for the Southern District of
California, Southern Division.

[Endorsed]: Original. District Court of the United States, Southern District of Cal. United States of America, Plaintiff, vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff, vs. Roy W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. Citation on Writ of Error. Received Copy Jan. 7 1921 Robert O'Connor U S Atty

Davis, Rush & MacDonald Allison & Dickson Attorneys for Defendants. FILED JAN 7 1921 at — min. past — o'clock — M CHAS N. WILLIAMS, Clerk Louis J. Somers Deputy

IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA SOUTHERN DIVISION.

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) 2033 Crim.

HENRY W. CRUMRINE, et al.,)
)
Defendants.)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) 2047 Crim.

ROY W. CANA GA, et al.,)
)
Defendants.)

Consolidated. (Writ of Error.)

UNITED STATES OF AMERICA -- SS. THE PRESIDENT OF THE UNITED STATES OF AMERICA, TO THE HONORABLE

BENJAMIN F. BLEDSOE, JUDGE OF THE
DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF
CALIFORNIA, SOUTHERN DIVISION.

GREETING:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in said District Court before you, between William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga, plaintiffs in error, and the United States of America, defendant in error, a manifest error hath happened to the great damage of said William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga, plaintiffs in error, as by their complaint appears:

We, being willing that error, if any hath happened, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid with all things concerning the same to the United States Circuit Court of Appeals for the Ninth Circuit, together with this Writ so that you have the same at the City of San Francisco, in the State of California, within thirty days from the date hereof in the said Circuit Court of Appeals, to be then and there held that the record and proceedings aforesaid, being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

WITNESS the Honorable Edward D. White Chief Justice of the United States, the 6th day of January 1921.

(Seal)

Chas. N. Williams
Clerk of the United States
District Court, Southern
District of California,
Southern Division.

ALLOWED BY

Bledsoe
District Judge

I hereby certify that a copy of the within Writ of Error was on the 6th day of January 1921, lodged in the Clerk's office of the United States District Court for the Southern District of California, Southern Division, and with said plaintiff in error.

Chas. N. Williams
Clerk of the United States District Court
Southern District of California, Southern Division.

[Endorsed]: Original. District Court of the United States, Southern District of Cal. Southern Division. United States of America, Plaintiff, vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff vs. Roy W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. Writ of Error. FILED JAN 6 1921 at — min. past — o'clock — M. CHAS. N. WILLIAMS, Clerk Louis J. Somers, Deputy Davis, Rush & MacDonald Allison & Dickson Attorneys for Defendants.

Oct. 22, 1919,

Viol: Act of August 10, 1917, as amended/ - Lever Act.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
SOUTHERN DIVISION.

At a stated term of said Court, begun and holden at the City of Los Angeles, County of Los Angeles, within the Southern Division of the Southern District of California, on the second Monday of January, in the year of our Lord one thousand nine hundred and twenty;

The Grand Jurors of the United States of America, duly chosen, selected and sworn, within and for the Division and District aforesaid, on their oath present:

That HENRY W. CRUMRINE, GEORGE H. DUNKUM, J. R. MORRIS, HENRY BURNS, NORMAN SCOTT, JIM SCHOFIELD, SAM SOLOMON, WILLIAM BOLES, CLYDE H. ISGRIG, ED KELLEY, LON LINNEY, J. C. RHODES, M. W. MONAHAN, H. C. TIENAN, WILLIAM G. FANNON, O. T. LEFEVER, A. N. MILLER, R. C. SERF, C. C. CORNELL, GEORGE HAZEN, FRANK A. CUNNINGHAM, CLARENCE EDWARDS, GUY A. MESSICK, HARRY GOODMAN, CARL J. HEIJNE, GEORGE W. GRAYDON, J. G. SCOTT, and divers other persons to the Grand Jurors unknown, and A. E. LAWRENCE, C. R. COLBY, E. B. BUSSEY, HERBERT KETTLE, and JAMES WILLIAMS,

whose full and true names other than as herein stated

are, and the full and true name of each of them is, other than as herein stated, to the Grand Jurors unknown, each late of the Southern Division of the Southern District of California, did on or about the 6th day of April, A. D. 1920, knowingly, wilfully, unlawfully and feloniously conspire, combine, agree and arrange together and with other persons whose names are to the Grand Jurors unknown, to limit the facilities for transporting, supplying and storing many necessaries, to-wit: foods, feeds and fuel, including many carloads of oranges and lemons, and large quantities of potatoes, wheat, lettuce, cabbage, asparagus, live stock ready for slaughter for use as meat and fuel oil, by then and there and by means of agitating, calling and declaring a strike of railway yard men and switch men and such other railway train men, shop men and employees as could be induced to leave their employment, and the said defendants and each of them were at said time employees of railways having yards and terminals in the City of Los Angeles; that the said railroads, to-wit, the Los Angeles and Salt Lake Railroad, the Atchison, Topeka & Santa Fe Railroad and the Southern Pacific Railroad are concerned in and are engaged in transportation of passengers and freight in interstate commerce between the State of California and the various other states of the United States; and the defendants well knew that such railroads were engaged in carrying as freight all manner and description of foods, feeds and fuel oil, which commodities were necessaries as described and set forth in Section 1, of Title one, of an Act to amend an Act entitled, "An

Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia,² approved October 22, 1919.

And the said defendants, well knowing such facts, began, instituted, agitated and spread a strike among the switch men and other men who were engaged in handling the freight trains of the said railroad companies in the City of Los Angeles and in the State and Southern Division of the Southern District of California; and because of such conduct on the part of said defendants, a strike of the switchmen and yard men of said railroads in said district was declared, and the men employed by said railroad companies to handle their said freight trains as such yard men and switchmen refused to do and perform their duties as such employees of said railroad companies, and because of such strike and refusal of the said yard men and switchmen to perform their duties the said railroad companies were totally unable to transport or supply the said food stuffs, feeds and fuel oil, and by such action of the said defendants the transportation of such food stuffs, feeds and fuel oil was then and there prevented and the facilities for transporting the same were thereby limited; and because of such preventing and limiting of such transportation facilities, many hundred car loads of said food stuffs deteriorated and became spoiled and unfit for use as human food, and the transportation of

said animals for meat was prevented and the supply of meats was thereby curtailed.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the said United States.

Robert O'Connor,
United States Attorney.
W. F. Palmer,
Assistant United States Attorney.

(Endorsed): Original. No. 2033 Crim. UNITED STATES DISTRICT COURT, SOUTHERN *District of* CALIFORNIA SOUTHERN *Division.* THE UNITED STATES OF AMERICA *vs.* HENRY W. CRUMRINE, et al. INDICTMENT Viol. Lever Act of Oct. 22, 1919 *A true bill,* Ellwood D^e Garmo *Foreman.* FILED APR 19 1920 CHAS N. WILLIAMS, Clerk By Maury Curtis Deputy Clerk Bail, \$5000.00 each Robert O'Connor

AT A STATED TERM, to wit: The January A. D., 1920 Term of the District Court of the United States, within and for the Southern Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Monday the 10th day of May in the year of our Lord, One thousand nine hundred and twenty.
PRESENT: The Honorable BENJAMIN F. BLEDSOE, District Judge.

United States of America, Plaintiff,)	
)	
vs.)	No. 2033 S. D.
)	
Henry Crumrine, Et al., Defendant)	
)	
)	
)	

This cause coming on at this time for the hearing on demurrer of all defendants, Wm. F. Palmer, Esq., Assistant U. S. Attorney appearing as counsel for the plaintiff; Jud Rush, Esq., and H. L. Dickson, Esq., appearing as counsel for defendants; and said demurrer having been argued by Jud Rush, Esq., of counsel as aforesaid for the defendants; and Wm. F. Palmer, Esq., of counsel as aforesaid for the plaintiff, having argued in opposition thereto; and the Argument in support thereof having been closed by Jud Rush, Esq., of counsel for defendants; and the Court having duly considered the same, now orders that said demurrer be, and the same hereby is, overruled.



AT A STATED TERM, to wit: The July Term, A. D., 1920, Term of the District Court of the United States, within and for the Southern Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Thursday, the 15th day of July in the year of our Lord, One Thousand Nine Hundred and Twenty.

PRESENT: The Honorable BENJAMIN F. BLEDSOE, District Judge.

United States of America,)	
Plaintiff,)	
Vs.)	No. 2033 Crim. S.D.
)	No. 2047
Henry W. Crumrine, et al.,)	
Defendants)	
)	

This cause coming on at this time for sentence of William G. Fannon, Clyde H. Isgrig, Oscar T. Lefever and A. N. Miller, Defendants in Case No. 2033 Crim S. D., and Roy W. Canaga, defendant in case No. 2047 Crim. S. D., Wm. F. Palmer, Esq., Asst. U. S. Attorney, appearing as counsel for plaintiff; defendants being present on bail together with their counsel Jud Rush and H. L. Dickson, Esqs., and Jud Rush, Esq., having presented and filed motion for new trial and motion in arrest of judgment, and said motions having been argued by Jud Rush, Esq., of counsel as aforesaid, and both motions having been denied, and Jud Rush and H. L. Dickson, Esqs., having made statements in mitigation, the Court now pronounces sentence upon defendants for the crime of which they new stand convicted, viz: Vio. Act. Aug. 10, 1917, as amended Oct. 22, 1919. The judgment of the Court is that each defendant pay unto the United States a fine in the sum of \$1,000.00 and to stand committed to the Los Angeles County Jail until said fine is paid. Now, upon motion of Jud Rush it is ordered by the Court that a ninety (90) days stay of execution of the judgment be granted each of said defendants, to remain at large upon the bonds heretofore given, and it is further ordered, upon motion of Jud Rush, Esq., of Counsel as aforesaid, that

defendants be granted thirty (30) days time within which to prepare, serve and file proposed bill of exception, in the event of appeal from the judgment pronounced.

Original

IN THE DISTRICT COURT OF THE UNITED STATES, SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION.

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs- : 2033 Crim.
)
 HENRY W. CRUMRINE, et al.,)
 Defendants.)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs- : 2047 Crim.
 :
 ROY W. CANAGA, et al.,)
)
 Defendants.)

) PETITION OF THE DEFEND-
) ANTS, WILLIAM G. FANNON,
) CLYDE H. ISGRIG, O. T.
 Consolidated) LEFEVER, A. N. MILLER
) and ROY W. CANAGA for
) a WRIT OF ERROR.

Your petitioners, William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W.

Canaga, defendants in the above entitled cause bring this, their petition for a writ of error to the District Court of the United States, in and for the Southern District of California, and in that behalf, your said petitioners say:

That on the 15th day of July, 1920, there was made, given and rendered in the above entitled court and cause a judgment against your petitioners whereby your petitioner, William G. Fannon, was adjudged and sentenced to pay a fine in the sum of \$1000.00, and your petitioner, Clyde H. Isgrig to pay a fine in a like sum, and your petitioner, O. T. LeFever to pay a fine in a like sum, and your petitioner, A. N. Miller to pay a fine in a like sum, and your petitioner, Roy W. Canaga to pay a fine in a like sum, and your petitioners say that they are advised by their counsel and aver that there was and is manifest error in the records and proceeding had in said cause, and in the making, giving and entry of such judgments and sentences, to the great injury and damage of your said petitioners, and each of them, and each and all of which errors will be more fully made to appear by an examination of said records, and by an examination of the Bill of Exceptions and the Assignment of Errors which is filed with this petition, and to that end that the judgments, sentences and proceedings may be reviewed by the United States Circuit Court of Appeals for the Ninth Circuit, your petitioners, and each of them, pray that a writ of error may be issued, directed therefrom to the said District Court of the United States, for the Southern District of California, Southern Division, returnable according to law and the practice of the court, and that there may be directed to be returned pursuant thereto a true copy of the record, Bill of Exceptions, Assignment of Errors and all proceedings had and to be had in said cause, and that the same may be removed unto the United

States Circuit Court of Appeals for the Ninth Circuit, to the end that the error, if any has happened, may be duly corrected and full and speedy justice done your petitioners and each of them.

And your petitioners make the Assignment of Errors filed herewith, upon which they, and each of them, will rely, and which will be made to appear by a return of the said record, in obedience to said Writ.

WHEREFORE, your petitioners pray and each of them prays the issuance of a writ as herein prayed, and that the Assignment of Errors filed herewith may be considered as their Assignment of Errors upon the Writ, and that the judgment rendered in this cause may be reversed and held for naught, and that said cause be remanded for further proceedings, and that they and each of them be awarded a supersedeas upon said Judgment, and all necessary process, including bail.

O. T. Le Fever

Wm. G. Fannon

A. N. Miller

Roy W Canaga

Clyde H. Isgrig by Davies Rush and
McDonald, his Attys.

Davis Rush and MacDonald, and

Allison and Dickson

Attorneys for Defendants.

[Endorsed]: Original. Crim No 2033 Dept.
—— IN THE DISTRICT COURT OF THE
UNITED STATES, SOUTHERN DISTRICT OF
CALIFORNIA, SOUTHERN DIVISION UNITED
STATES OF AMERICA Plaintiff vs. Henry W.
Crumrine, et al. and Roy W. Canaga, et al., Defendants
Nos. 2033 Crim. and 2047 Crim. Consolidated Petition
of the Defendants, William G. Fannon, et al., for a
WRIT OF ERROR Received copy of the within
Petition for Writ of Error this 4th day of January 1921

Robt. O Connor Per Wm Fleet Palmer Attorney for
 —Per BPF FILED JAN 4 1921 at...min. past
 ...o'clock...M. CHAS. N. WILLIAMS, Clerk
 Louis J Somers Deputy Allison & Dickson DAVIS
 & RUSH 600 Bryson Building Home 10985 Sunset
 Main 985 LOS ANGELES, CAL. Attorneys for
 Defendants

IN THE DISTRICT COURT OF THE UNITED
 STATES SOUTHERN DISTRICT OF
 CALIFORNIA SOUTHERN
 DIVISION.

 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 2033 Crim.
)
 HENRY W. CRUMRINE, et al.,)
)
 Defendants.)
 -----)
 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 2047 Crim.
)
 ROY W. CANAGA, et al.,)
)
 Defendants.)

(Order allowing
 Consolidated. ((
 (Writ of Error.

Upon motion of Davis, Rush & MacDonald and Allison & Dickson, attorneys for the defendants, William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga, in the above entitled action, and upon filing the petition for a writ of error and assignment of errors, IT IS ORDERED that a writ of error be and hereby is allowed to have reviewed in the United States Circuit Court of Appeals for the Ninth Circuit, the verdict and judgment heretofore entered herein; that pending the decision upon said writ of error the supersedeas prayed for by the aforesaid defendants in their petition for writ of error is hereby allowed, and the said defendant, William G. Fannon is admitted to bail upon said writ of error in the sum of \$5,000 00/100; and the said defendant, Clyde H. Isgrig is admitted to bail upon said writ of error in the sum of \$5,000 00/100; and the said defendant, O. T. LeFever is admitted to bail upon said writ of error in the sum of \$5,000 00/100; and the said defendant, A. N. Miller is admitted to bail upon said writ of error in the sum of \$5,000 00/100; and the said defendant, Roy W. Canaga is admitted to bail upon said writ of error in the sum of \$2,000 00/100; said defendants being admitted to bail upon the bonds heretofore approved and filed herein.

Bledsoe

Judge of the District Court.

Dated this 5th day of January 1921.

[Endorsed]: Original. District Court of the United States, Southern District of Cal. Southern Division. United States of America, Plaintiff, vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff, vs. Roy W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. Order allowing Writ of Error. FILED JAN 6 1921, at .. min. past .. o'clock .. M CHAS. N. WIL-

LIAMS, Clerk Louis J. Somers, Deputy Davis, Rush & MacDonald Allison & Dickson Attorneys for Defendants.

IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA SOUTHERN DIVISION.

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.) 2033 Crim.

HENRY W. CRUMRINE, et al.,)
)
) Defendants.)
)
) -----)

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.) 2047 Crim.

ROY W. CANAGA, et al.,)
)
) Defendants.)
)
) -----)

) Assignment of
) Errors by the
) defendants,
) William G. Fannon,
Consolidated.) Clyde H. Isgrig,
) O. T. LeFever,
) A. N. Miller,
) Roy W. Canaga.

The defendants above named, William G. Fannon, Clyde H. Isgrig, O. T. Le Fever, A. N. Miller and Roy W. Canaga and plaintiffs in error herein having petitioned for an order from the above named court permitting them to procure a writ of error therefrom directed to the United States Circuit Court of Appeals for the Ninth Circuit, from a judgment and sentence made and entered in the said cause against said above named defendants, plaintiffs in error and petitioners herein, now make and file with their petition the following assignments of error, upon which they rely for a reversal of the said judgment and sentence upon the said writ, and which said errors, and each and every one of them, are to the great detriment, injury and prejudice of the defendants and in violation of the rights conferred upon them: and they say that in the record of the proceedings had in the above entitled cause, upon the hearing and determination thereof in the District Court of the United States for the Southern District of California, Southern Division, there is manifest error in this, to-wit:

(Note: It was stipulated by all parties that all objections and exceptions taken by any of the above named defendants should be deemed and considered made and taken on behalf of each of the defendants unless otherwise specifically stated.)

The District Court of the United States in and for the Southern District of California, Southern Division, erred in each and every one of its rulings and decisions (to which exceptions were duly taken and allowed) now

here separately and specifically set out and numbered (with appropriate reference by number to the "Ruling and Exception No. ————", as the same appear in the bill of exceptions); said rulings and decisions, to which exceptions were taken, being as follows, to-wit:

ASSIGNMENT NO. I.

In overruling the general demurrer interposed by all of the defendants to the indictment herein, and to each and every allegation thereof. (Ruling and Exception No. 1.)

ASSIGNMENT NO. II.

In overruling the objections of the defendants to the question propounded to the Government witness, Pearl C. Gilson, and to each and every other witness that was called by the Government, as follows, to-wit: "Q. (By Mr. Palmer) Do you hold any official position with that organization? Mr. Rush: Just a moment. May it please the court, I want to interpose an objection at this time, so that we may maintain the position - - or at least not waive the position we have heretofore taken, and I object to this question on the ground that it is incompetent, irrelevant and immaterial; and ask that the same objection may be considered as going to all questions propounded to this and all other witnesses that may be called by the Government, on the ground that the testimony is incompetent, irrelevant and immaterial, for the reason that the indictment in this case does not charge any offense; and the basis of that is that the Act under which the indictment is

drawn and under which this prosecution is being conducted is unconstitutional and void.

The Court: The objection is overruled. That is the same matter presented in your demurrer.

Mr. Rush: Yes, your Honor.

The Court: Very well, the objection is overruled.

Mr. Rush: Exception." (Ruling and Exception No. 2.)

ASSIGNMENT NO. III.

That the District Court of the United States, Southern District of California, Southern Division, erred in overruling and denying the defendants' motion in arrest of judgment. (Ruling and Exception No. 3.)

ASSIGNMENT NO. IV.

That the District Court of the United States, Southern District of California, Southern Division, erred in overruling and denying the defendants' motion for new trial. (Ruling and Exception No. 4.)

ASSIGNMENT NO. V.

That the District Court of the United States, Southern District of California, Southern Division, erred in making, giving and rendering judgment against the defendants, or either of them, on the indictment herein, or upon any count thereof, for the reason that the said indictment does not, nor does any count thereof, state any offense against the laws of the United States of America, and that the Act or law under which said indictment was drawn is unconstitutional and void. (Ruling and Exception No. 5.)

ASSIGNMENT NO. VI.

The District Court of the United States, Southern District of California, Southern Division, erred in pronouncing sentence against the defendants, for the reason that the said indictment does not state a public offense against the laws of the United States of America, and that the said law under which the said indictment was drawn is unconstitutional and void.

Davis Rush and MacDonald
Allison and Dickson
Attorneys for the Defendants.

We hereby certify that the foregoing assignment or errors are made on behalf of the petition for a writ of error herein and are in our opinion well taken, and the same now constitute the assignment of errors upon the writ prayed for.

Davis Rush and MacDonald
Allison and Dickson
Attorneys for the Defendants.

[Endorsed]: Original. Crim 2033 District Court of the United States, Southern District of Cal. Southern Division. United States of America, Plaintiff, vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff -, vs. Roy W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. Assignment of Errors. Recd the within assignment of Errors this 4th day of January 1921 Robt O Connor Per Wm. Fleet Palmer Per B P F FILED JAN 4 1921 *at . . . min. past . . . o'clock . . . M.* CHAS. N. WILLIAMS, Clerk Louis J Somers, *Deputy* Davis, Rush & MacDonald Allison & Dickson Attorneys for Defendants.

IN THE DISTRICT COURT OF THE UNITED STATES, SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION.

UNITED STATES OF)
AMERICA,)

Plaintiff,)

VS.)

PROPOSED AMEND-

HENRY W. CRUMRINE)

MENT OF

GEORGE H. DUNKUM)

J. R. MORRIS)

PLAINTIFF TO BILL

HENRY BURNS)

NORMAN SCOTT)

OF EXCEPTIONS OF

JIM SCHOFIELD)

SAM SOLOMON)

DEFENDANTS

WILLIAM BOLES)

CLYDE H. ISGRIG)

WILLIAM G. FANNON

ED KELLEY)

CLYDE H. ISGRIG

LON LINNEY)

O. T. LEFEVER

J. C. RHODES)

A. N. MILLER

M. W. MONAHAN)

ROY W. CANAGA

H. C. TIENAN)

WILLIAM G. FANNON)

O. T. LEFEVER)

A. N. MILLER)

R. C. SERF)

C. C. CORNELL)

Nos. 2033 and 2047 Criminal, Consolidated.

GEORGE HAZEN)

FRANK A. CUNNING-

HAM)

CLARENCE EDWARDS)

GUY A. MESSICK)

HARRY GOODMAN)

A. E. LAWRENCE)

C. R. COLBY)

E. B. BUSSEY)

HERBERT KETTLE)

JAMES WILLIAMS,)

Defendants.)

BE IT REMEMBERED that heretofore, to wit:
On the 19th day of April, 1920, the Grand Jury of the United States did find and return into the above entitled Court its indictment against the defendants, HENRY W. CRUMRINE, GEORGE H. DUNKUM, J. R. MORRIS, HENRY BURNS, NORMAN SCOTT, JUM SCHOFIELD, SAM SOLOMON, WILLIAM BOLES, CLYDE H. ISGRIG, ED KELLEY, LON LINNEY, J. C. RHODES, M. W. MONAHAN, H. C. TIENAN, WILLIAM G. FANNON, O. T. LEFEVER, A. N. MILLER, R. C. SERF, C. C. CORNELL, GEORGE HAZEN, FRANK A. CUNNINGHAM, CLARENCE EDWARDS, GUY A. MESSICK, HARRY GOODMAN, A. E. LAWRENCE, C. R. COLBY, E. B. BUSSEY, HERBERT KETTLE and JAMES WILLIAMS, charging the said named defendants as follows, to-wit:
IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION.

At a stated term of said Court, begun and holden at the City of Los Angeles, within the Southern Division of the Southern District of California, on the second Monday of January, in the year of our Lord one thousand nine hundred and twenty;

The Grand Jurors of the United States of America, duly chosen, selected and sworn, within and for the Division and District aforesaid, on their oath present:

That HENRY W. CRUMRINE, GEORGE H. DUNKUM, J. R. MORRIS, HENRY BURNS, NORMAN SCOTT, JIM SCHOFIELD, SAM SOLOMON, WILLIAM BOLES, CLYDE H. ISGRIG, ED KELLEY, LON LINNEY, J. C. RHODES, M. W. MONAHAN, H. C. TIENAN, WILLIAM G. FANNON, O. T. LEFEVER, A. N. MILLER, R. C. SERF, C. C. CORNELL, GEORGE HAZEN, FRANK A. CUNNINGHAM, CLARENCE EDWARDS, GUY A. MESSICK, HARRY GOODMAN, and divers other persons to the Grand Jurors unknown, and A. E. LAWRENCE, C. R. COLBY, E. B. BUSSEY, HERBERT KETTLE and JAMES WILLIAMS, whose full and true names other than as herein stated are, and the full and true name of each of them is, other than as herein stated, to the Grand Jurors unknown, each late of the Southern Division of the Southern District of California, did on or about the 6th day of April, A. D. 1920, knowingly, wilfully, unlawfully and feloniously conspire, combine, agree and arrange together and with other persons whose names are to the Grand Jurors unknown, to limit the facilities for transporting, supplying and storing many necessaries, to-wit: foods, feeds and fuel, including many carloads of oranges and lemons, and large quantities of potatoes, wheat, lettuce, cabbage, asparagus, live stock ready for slaughter for use as meat and fuel oil, by then and there and by means of agitating, calling and declaring a strike of railway yard men and switch men and such other railway train men, shop men and employes as could be induced to leave their employment, and the said defend-

ants and each of them were at said time employes of railways having yards and terminals in the City of Los Angeles; that the said railroads, to-wit: the Los Angeles and Salt Lake Railroad, the Atchison, Topeka & Santa Fe Railroad and the Southern Pacific Railroad are concerned in and are engaged in transportation of passengers and freight in interstate commerce between the State of California and the various other states of the United States; and the defendants well knew that such railroads were engaged in carrying as freight all manner and description of foods, feeds and fuel oil, which commodities were necessities as described and set forth in Section 1, of Title one, of an Act to amend an Act entitled, "An Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia, approved October 22, 1919.

And the said defendants, well knowing such facts, began, instituted, agitated and spread a strike among the switch men and other men who were engaged in handling the freight trains of the said railroad companies in the City of Los Angeles and in the State and Southern Division of the Southern District of California; and because of such conduct on the part of said defendants, a strike of the switch men and yard men of said railroads in said district was declared, and the men employed by said railroad companies to handle their said freight trains as such yard men and switch men refused to do and perform their duties as such

employes of said railroad companies, and because of such strike and refusal of the said yard men and switch men to perform their duties the said railroad companies were totally unable to transport or supply the said food stuffs, feeds and fuel oil, and by such action of the said defendants the transportation of such food stuffs, feeds and fuel oil was then and there prevented and the facilities for transporting the same were thereby limited; and because of such preventing and limiting of such transportation facilities, many hundred car loads of said food stuffs deteriorated and became spoiled and unfit for use as human food, and the transportation of said animals for meat was prevented and the supply of meats was thereby curtailed.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the said United States.

ROBERT O'CONNOR,
United States Attorney.

W. F. PALMER,
Assistant United States Attorney.

Indorsed:
A true bill,

Ellwood De Garmo
Foreman.

Filed this 19th day of April A. D.
1920

Chas. N. Williams,
Clerk.

Bail \$5000.00 each
Robert O'Connor.

That thereafter, on the 26th day of April, 1920, the said defendants appeared in said Court and were duly arraigned upon the said indictment and thereafter on the 1st day of May, 1920, said defendants, WILLIAM G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER and ROY W. CANAGA filed in said Court their demurrer to said indictment, which demurrer was in words and figures following, to-wit:

Come now the defendants, George H. Dunkum, Henry W. Crumrine, Harry J. Burns, John R. Norris, A. N. Miller, O. T. LeFever, William Boles, R. C. Serf, A. C. Solomon, Guy A. Messick, W. G. Fannon, W. W. Monahan, Norman Scott, J. C. Rhodes, Clyde H. Isgrig, James Schofield, H. C. Tieman, James Williams, Lon E. Linney, Edward J. Kelley, Clarence W. Edwards, Harry Goodman, E. R. Colby, Frank A. Cunningham, George N. Hazen, A. E. Lawrence, E. B. Bussey and C. C. Cornell and demur to the indictment herein on the following grounds, to-wit:

I.

That said Indictment does not nor does any count or paragraph thereof state facts sufficient to constitute a punishable offense, or any offense or crime against the laws or constitution of the United States of America.

WHEREFORE said defendants pray that this demurrer be sustained and that said indictment be dismissed.

Davis, Rush & MacDonald
Allison & Dickson

Attorneys for Defendants.

and thereafter on the 10th day of May, 1920, said demurrer was duly and regularly heard by said Court; on said day said Court duly and regularly made its order overruling said demurrer, to which order of the Court then and there made overruling the demurrer of said defendants the said defendants took an exception, which exception was then and there duly and regularly allowed and entered by the Court, and which defendants now assign as

RULING AND EXCEPTION NO. 1.

That thereafter, to-wit: on the 26th day of April, 1920, said defendants, WILLIAM G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER, and ROY W. CANAGA entered their plea of Not Guilty to the offense as set forth in the indictment.

That thereafter upon the 1st day of June, 1920, said cause came on duly and regularly for trial, the Government being represented by J. ROBERT O'CONNOR, ESQ., United States District Attorney, and by Messrs. W. F. PALMER and GORDON LAWSON, Assistant U. S. Attorneys, the defendants by Messrs. DAVIS, RUSH & MAC DONALD and Messrs. ALLISON & DICKSON.

Thereupon a jury to try the said cause was duly and regularly impaneled and the following proceedings took place on and during the trial, to-wit:

With the consent of the defendants the cases of the United States vs. Henry W. Crumrine, et al., No. 2033, Criminal, and the case of the United States vs. Roy

W. Canaga, et al., No. 2047, Criminal, and the United States vs. A. A. Crosby, et al., No. 181, Criminal, Northern Division, were consolidated for trial.

That thereupon the trial of said causes proceeded, testimony oral and documentary was offered and admitted, and the taking of evidence in said case commenced.

TESTIMONY OF PEARL C. GILSON FOR THE
GOVERNMENT

PEARL C. GILSON,

a witness called on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

My name is PEARL C. GILSON. I reside in Fresno, California. Am a conductor on the Southern Pacific and have been employed there eleven years. Am a member of the Brotherhood of Railroad Trainmen.

Q. And do you hold any official position with that organization?

MR. RUSH: Just a moment. May it please the court, I want to interpose an objection at this time, so that we may maintain the position -- or at least not waive the position we have heretofore taken, and I object to this question on the ground that it is incompetent, irrelevant and immaterial; and ask that the same objection may be considered as going to all questions propounded to this and all other witnesses that may be called by the government, on the ground that the testimony is incompetent, irrelevant and immaterial, for the

reason that the indictment in this case does not charge any offense; and the basis of that is that the Act under which the indictment is drawn and under which this prosecution is being conducted is unconstitutional and void.

THE COURT: The objection is overruled. That is the same matter presented in your demurrer.

MR. RUSH: Yes, your Honor.

THE COURT: Very well, the objection is overruled.

MR. RUSH: Exception.

To which ruling the exception of the defendants was duly made and entered, and which ruling and exception the defendants here assign as

RULING AND EXCEPTION NO. 2.

That thereafter counsel for the prosecution and counsel for the defendants proceeded with the argument of said case. The arguments were completed and the Court proceeded to instruct the jury, and instructed the jury fully upon all points involved in this case.

That thereafter on the 19th day of June, 1920, the jury returned duly and regularly into Court, finding the defendants, WILLIAM G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER and ROY W. CANAGA guilty as charged in the indictment.

And thereupon the Court continued the cause to Tuesday, July 6, 1920, at 10 o'clock A. M. for the sentence of the said defendants.

That on the said 6th day of July, 1920, the sentence of the said defendants was by the Court continued to July 15, 1920, at 10 o'clock A. M.

That thereupon, on the said 15th day of July, 1920, the defendants, WILLIAM G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER and ROY W. CANAGA duly and regularly filed in said Court their motion in arrest of judgment, which said motion was in words and figures as follows, to-wit:

(TITLE AND CAUSE)

Motion of Defendants, W. G. Fannon, Clyde H. Isgrig, A. N. Miller, O. T. LeFever and Roy W. Canaga in Arrest of Judgment.

Come now the defendants, W. G. Fannon, Clyde H. Isgrig, A. N. Miller, O. T. LeFever and Roy W. Canaga, and jointly and separately move the Court to refrain from entering a judgment against either of them based upon the verdict rendered in this case, upon the following grounds:

I.

That the facts stated in the indictments do not constitute a punishable offense, or any offense or crime against the laws, or any law, or against the constitution of the United States of America.

Davis, Rush & MacDonald

Allison & Dickson,

H. L. Dickson

Attorneys for the above named Defendants.

That the Court thereupon heard the same and duly and regularly made an order denying the said motion in arrest of judgment, to which ruling the exception of

the defendants was duly made and entered, and which ruling and exception the defendants here assign as

RULING AND EXCEPTION NO. 3.

That thereupon 'on said 15th day of July, 1920, the said defendants, WILLIAM G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER and ROY CANAGA duly and regularly filed with the above entitled Court their motion for a new trial, copy of which is herein set forth as follows, to-wit:

(TITLE AND CAUSE)

Motion of W. G. FANNON, CLYDE H. ISGRIG, O. T. LEFEVER, A. N. MILLER and ROY W. CANAGA for a New Trial.

Come now the defendants, W. G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga, in the above entitled action, jointly and separately, and move the Court that the verdict rendered in this action against them, and each of them, be set aside, and that they and each of them be granted a New Trial upon the following grounds:

I.

That the Court misdirected the jury in matters of law.

II.

That the Court erred in decisions of questions of law arising during the course of the trial.

III.

That the verdict is contrary to the law.

IV.

That the verdict is contrary to the evidence.

V.

That the verdict is contrary to the law and the evidence.

VI.

That the evidence is insufficient to sustain or justify the verdict.

VII.

That the Court erred in refusing to give each and every instruction requested by these defendants, and each of them, and in giving each and every of those instructions given by the Court at its own instance or upon request of counsel for the government.

VIII.

Because the verdict is against the weight of the evidence.

IX.

Because the Court erred in overruling the defendants' demurrer to the Indictments.

X.

Because the facts stated in the Indictments against these defendants do not constitute an offense against the United States.

XI.

Because the Court erred in refusing to instruct the jury at the request of these defendants, and each of them, to return a verdict of "Not Guilty" on said indictments as to each of these defendants.

XII.

Because the Court erred in admitting irrelevant evidence over the objection of the defendants.

XIII.

Because the Court erred in admitting incompetent evidence over the objection of the defendants.

XIV.

Because the Court erred in admitting immaterial evidence over the objection of the defendants.

XV.

Because the Court erred in sustaining the objections of the government to competent evidence offered by the defendants.

XVI.

Because the Court erred in sustaining the objections of the government to relevant evidence offered by the defendants.

XVII.

Because the Court erred in sustaining the objections of the government to material evidence offered by the defendants.

XVIII.

Because of other errors of law occurring at the trial, more fully shown by the transcript herein, which transcript is hereby referred to and relied upon by the defendants herein.

XIX.

Because of misconduct of counsel for the government occurring during the course of the trial.

XX.

Because of prejudicial remarks, appeals and arguments to the jury by counsel for the government, by which the defendants, and each of them were prevented from having a fair trial, all of which more fully appears from the transcript herein, which is hereby referred to and relied upon by the defendants.

WHEREFORE, the defendants pray that the verdict herein may be set aside, and that they and each of them may be granted a new trial.

Davis, Rush & MacDonald
Allison & Dickson,
H. L. Dickson

Attorneys for above named defendants.

That the Court thereupon heard the said motion for a new trial, and duly and regularly made an order denying said motion for a new trial, to which ruling the exception of the defendants was duly made and entered, and which ruling and exception the defendants here assign as

RULING AND EXCEPTION NO. 4.

That thereupon on said 15th day of July, 1920, the Court duly and regularly pronounced sentence upon the convicted defendants, W. G. Fannon, Clyde H. Isgrig, A. N. Miller, O. T. LeFever and Roy W. Canaga, as follows:

“The judgment of the Court is that each defendant pay unto the United States a fine in the sum of \$1000 and to stand committed to the Los Angeles County Jail until said fine is paid.”

The exceptions of the defendants to the said sentence were duly taken and allowed, which ruling and exception the defendants here assign as

RULING AND EXCEPTION NO. 5.

That thereafter, on the said 15th day of July, 1920, the Court duly and regularly entered its order in said cause, ordering that a 90-day stay of execution of the judgment be granted each of said defendants, said defendants to remain at large upon the bonds heretofore given.

That on the said 15th day of July, 1920, the Court duly and regularly entered its order in said cause granting the defendants thirty days' time within which to prepare, serve and file their proposed bill of exceptions in this case.

That thereafter and within the time so allowed by the Court the defendants served and submitted their proposed bill of exceptions.

That thereafter, by order of the Court duly made, the time for plaintiff to propose its amendments to the said proposed bill of exceptions was extended to and including December 1st, 1920.

That thereafter, by order of the Court duly made, the time for plaintiff to propose its amendments to the said proposed bill of exceptions was extended to and including December 10th, 1920.

That the plaintiff, by the United States District Attorney, hereby presents the foregoing as the defendants' amendment to the said proposed bill of exceptions heretofore submitted by the defendants, and re-

spectfully asks that the same may be settled and allowed as the bill of exceptions in this cause.

Davis, Rush & MacDonald
Allison & Dickson,
Attorneys for said defendants.

STIPULATION.

It is hereby stipulated that the foregoing amendments to the bill of exceptions heretofore submitted by the defendants may be settled and allowed by the Court as a true and correct statement of the proceedings in said case, in so far as the rulings and exceptions therein referred to are concerned.

Davis Rush and MacDonald
Allison and Dickson
Attorneys for Defendants.
Robert O'Connor
United States District Attorney.

The foregoing Bill of Exceptions, having been duly presented to the Court, the Same is hereby duly allowed and signed and made a part of the record in this cause.

Dated this 9th day of December, 1920. Bledsoe
Judge of the United States District Court.

[Endorsed]: Original. District Court of the United States, Southern District of Cal. Southern Division. United States of America, Plaintiff. vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff, vs. Henry W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. PROPOSED AMENDMENT OF PLAINTIFF TO BILL OF EXCEPTIONS OF DEFEND-

ANTS. FILED DEC. 9, 1920 at — min. past —
o'clock — M. CHAS N. WILLIAMS, clerk Louis J.
Somers Deputy Davis, Rush & MacDonald Allison
& Dickson Attorneys for Defendants.

IN THE DISTRICT COURT OF THE UNITED
STATES, SOUTHERN DISTRICT OF
CALIFORNIA, SOUTHERN
DIVISION.

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) 2033 Crim.

HENRY W. CRUMRINE, et al.,)
)
 Defendants.)

-----)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff.)
)
 vs.) 2047 Crim.

ROY W. CANAGA, et al.,)
)
 Defendants.)

Consolidated.)
) STIPULATION.
)

IT IS HEREBY STIPULATED AND AGREED
by all parties to the above entitled cases that they were

by order of court duly made and entered, consolidated for trial, and that during the trial and all subsequent proceedings said cases were considered and conducted as one case consolidated; that the indictment in both of said cases charged the same acts as an offense against the United States of America in substantially the same language, the wording of said indictments being identical except as to the defendants and the dates of commission of the said offense.

IT IS FURTHER STIPULATED AND AGREED that a bill of exceptions was heretofore approved, settled and allowed by the Judge of the above entitled court as the bill of exceptions in both of said cases as consolidated, and that in all further proceedings the said bill of exceptions shall be considered and taken as the bill of exceptions in both of said cases as so consolidated, with the same force and effect as though an individual and separate bill of exceptions had been settled and allowed in each of said cases.

IT IS FURTHER STIPULATED AND AGREED that the said defendants in the United States vs. Crumrine, et al., Criminal No. 2033, and the United States vs. Canaga, et al., Criminal No. 2047, may conduct their further proceedings and appeal, should they so desire, in the said cases as so consolidated, as though they were one case, and may file one petition for a writ of error and one assignment of errors in said cases as so consolidated, and that all further proceedings had in said cases as so consolidated, on appeal or other-

wise, shall be considered and taken as though the said cases were but one case.

Robert O'Connor

United States Attorneys.
Davis Rush & MacDonald,
Allison and Dickson
Attorneys for Defendants.

[Endorsed]: Original. District Court of the United States, Southern District of Cal. Southern Division. United States of America, Plaintiff, vs. Henry W. Crumrine, et al., Defendants. United States of America, Plaintiff, vs. Roy W. Canaga, et al., Defendants. Nos. 2033 Crim. and 2047 Crim. Consolidated. Stipulation. FILED JAN 5 1921 at — ~~min. past~~ — ~~o'clock~~ — ~~M~~ CHAS. N. WILLIAMS, Clerk Louis J Somers Deputy

United States of America

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Be it Remembered, that on this 22 day of April in the year of our Lord one thousand nine hundred and 20 before me, Stephen G Long, a Commissioner duly appointed by the District Court of the United States for the Southern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared William G Fannon as principal, and Steven C Schenck and

Frank J. Wernett as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America, in the sum of ~~5,000~~ Five thousand dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

The condition of the above recognizance is such, that, whereas, an indictment has been found by the Grand Jury of the United States for the Southern District of California, and filed on the 19 day of Apr A. D. 1920, in the District Court of the United States for said Southern District of California, charging the said William G. Fannon with the Viol of act of August 10th 1917 ~~with the~~ as amended Oct 22 1919 the Lever Act committed on or about the 6th day of April A. D. 1920 to wit, at the District aforesaid, contrary to the form of the statute of the United States, in such case made and provided:

And Whereas, the said William G Fannon has been required to give recognizance, with sureties, in the sum of Five Thousand dollars for his appearance;

Now, Therefore, if the said William G Fannon shall personally appear at the District Court of the United States for the Southern District of California, to be holden at the Court Room of said Court, in the City of Los Angeles, whenever or wherever he may be required to answer the said indictment and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said Court without leave

first obtained, and if convicted shall appear for judgment and render himself in execution thereof, then this recognizance shall be void, otherwise to remain in full effect and virtue.

William G. Fannon [SEAL.]

Steven C. Schenck [SEAL.]

Mrs Rosa Phillips [SEAL.]

Acknowledged before me the day }
and year first above written, }

(Seal) Stephen G Long

United States Commissioner Southern District of California.

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Steven C Schenck and Mrs Rosa Phillips being duly sworn, each for himself deposes and says that he is a householder in said District, and is worth the sum of Five thousand Dollars, exclusive of property exempt from execution, and over and above all debts and liabilities.

Steven Schenck

Mrs Rosa Phillips

Subscribed and sworn to before me this }
22 day of Apr A. D. 1920 }

Stephen G Long

United States Commissioner

The form of the foregoing Bond and the sufficiency of the sureties thereto is hereby approved.

(Seal) Stephen G Long

U. S. Commissioner

[Endorsed]: Original. No. 2033 Cr United States District Court, Southern District of California THE

UNITED STATES OF AMERICA *vs.* William G Fannon BOND TO APPEAR In the sum of \$5000 With Steven C Schenck and Rosa Phillips as sureties. FILED APR 23 1920 at 30 min. past 1 o'clock p m. CHAS N. WILLIAMS, Clerk Louis J. Somers, Deputy

United States of America

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Be it Remembered, that on this day of April in the year of our Lord one thousand nine hundred and twenty before me, Stephen G. Long, a Commissioner duly appointed by the District Court of the United States for the Southern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared C. H. Isgrig as principal, and \$5000 in Liberty bonds being deposited by Michael Henry Monroe as surety, and himself jointly and severally acknowledges themselves to be indebted to the United States of America, in the sum of Five Thousand - - - - dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

The condition of the above recognizance is such, that, whereas, an indictment has been found by the Grand Jury of the United States for the Southern District of California, and filed on the 19th day of April

A. D. 1920, in the District Court of the United States, for said Southern District of California, charging the said C. H. Isgrig with the Vio. of Act of August 10, 1917, as Amended Oct 22, 1919, the Lever Act committed on or about the 6 day of April A. D. 1920 to wit, at the District aforesaid, contrary to the form of the statute of the United States, in such case made and provided;

And Whereas, the said C. H. Isgrig has been required to give recognizance, with sureties, in the sum of Five Thousand - - - - - dollars for his appearance;

Now, Therefore, if the said C. H. Isgrig shall personally appear at the District Court of the United States for the Southern District of California, to be holden at the Court Room of said Court, in the City of Los Angeles, whenever or wherever he may be required to answer the said indictment and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said Court without leave first obtained, and if convicted shall appear for judgment and render himself in execution thereof, then this recognizance shall be void, otherwise to remain in full effect and virtue.

Clyde H. Isgrig [SEAL.]

Michael Henry Monroe [SEAL.]

Acknowledged before me the day and year first above written,

(Seal) Stephen G Long

United States Commissioner Southern District of California.

SOUTHERN DISTRICT OF CALIFORNIA, SS.

.....
being duly sworn, each for himself deposes and says that he is a householder in said District, and is worth the sum of Five Thousand Dollars, exclusive of property exempt from execution, and over and above all debts and liabilities.

.....
.....

Subscribed and sworn to before me this }
.....day of.....A. D. 191..}

.....

United States Commissioner

The form of the foregoing Bond and the sufficiency of the sureties thereto is hereby approved.

.....
.....

[Endorsed]: Original. No. 2033 Cr United States District Court, Southern District of California THE UNITED STATES OF AMERICA vs. C. H. Isgrig BOND TO APPEAR In the sum of \$5000 With Liberty Bonds & Surety and as sureties

FILED APR 21 1920 at 58 min. past 3 o'clock P. M. CHAS N. WILLIAMS, Clerk Louis J Somers Deputy



United States of America
SOUTHERN DISTRICT OF CALIFORNIA, SS.

Be it Remembered, that on this 22 day of April in the year of our Lord one thousand nine hundred and

twenty before me, Stephen G Long, a Commissioner duly appointed by the District Court of the United States for the Southern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared O T Lefever as principal, and Wm L Price and Mrs Rosa Phillips as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America, in the sum of Five Thousand dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

The conditions of the above recognizance is such, that, whereas, an indictment has been found by the Grand Jury of the United States for the Southern District of California, and filed on the 19 day of Apr A. D. 1920, in the District Court of the United States, for said Southern District of California, charging the said O. T. Lefever with the Viol of Act of August 10th 1917 as amended Oct 22 1919 the Lever Act committed on or about the 6 day of April A. D. 1920 to wit, at the District aforesaid, contrary to the form of the statute of the United States, in such case made and provided:

And Whereas, the said O. T. Lefever has been required to give recognizance, with sureties, in the sum of Five Thousand dollars for his appearance:

Now, Therefore, if the said O. T. Lefever shall personally appear at the District Court of the United

States for the Southern District of California, to be holden at the Court Room of said Court, in the City of Los Angeles, whenever or wherever he may be required to answer the said indictment and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said Court without leave first obtained, and if convicted shall appear for judgment and render himself in execution thereof, then this recognizance shall be void, otherwise to remain in full effect and virtue.

O. T. LeFever [SEAL.]

Mrs Rosa Phillips [SEAL.]

Wm L Price [SEAL.]

Acknowledged before me the day }
and year first above written, }

(Seal) Stephen G Long

United States Commissioner Southern District of California.

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Mrs Rosa Phillips & Wm L Price being duly sworn, each for himself deposes and says that he is a householder in said District, and is worth the sum of Five Thousand Dollars, exclusive of property exempt from execution, and over and above all debts and liabilities.

Mrs Rosa Phillips

Wm L Price

Subscribed and sworn to before me this }
22 day of Apr A. D. 1920 }

Stephen G Long

United States Commissioner

The form of the foregoing Bond and the sufficiency of the sureties thereto is hereby approved.

(Seal) Stephen G Long

U. S. Commissioner

[Endorsed]: Original. No. 2033 Cr United States District Court, Southern District of California THE UNITED STATES OF AMERICA vs. O T Lefever BOND TO APPEAR In the sum of \$5000 With Mrs Rosa Phillips and Wm L Price as sureties..... FILED APR 23 1920 at 30 min past 1 o'clock P M. CHAS N WILLIAMS, Clerk Louis J Somers Deputy

United States of America

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Be it Remembered, that on this 22 day of April in the year of our Lord one thousand nine hundred and twenty before me, Stephen G Long, a Commissioner duly appointed by the District Court of the United States for the Southern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared Arles N Miller as principal, and..... as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America, in the sum of Five ~~three~~ thousand dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

With Robert Leittle George W Feller and Mrs Rosa Phillips as sureties.....FILED APR 23 1920 at 30 min past 1 o'clock P. M. CHAS. N. WILLIAMS, Clerk Louis J Somers Deputy

Bond To Appear

United States of America

SOUTHERN DISTRICT OF CALIFORNIA, SS.

Be it Remembered, *that on this* 6th day of May in the year of our Lord nineteen hundred and twenty before me, H. W. Phipps, a Commissioner duly appointed by the District Court of the United States for the Southern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the acts of Congress, in that behalf, personally appeared R. W. Canaga as principal, and C. E. Williams and L. A. Kerr as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America, in the sum of Two Thousand (\$2000) dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

The condition of the above recognizance is such, that, whereas, an indictment has been found by the Grand Jury of the United States for the Southern District of California, and filed on the 30th day of April A. D. 1920, in the District Court of the United States, for said Southern District of California, charging the said

R. W. Canaga with the Violation of Act of Aug. 10, 1919, as amended Oct 22, 1919—Lever Act committed on or about the.....day of April A. D. 1920 to wit, at the District aforesaid, contrary to the form of the statute of the United States, in such case made and provided;

And Whereas, the said R. W. Canaga has been required to give recognizance, with sureties, in the sum of Two Thousand (\$2000) dollars for his appearance;

Now, Therefore, if the said R. W. Canaga shall personally appear at the District Court of the United States for the Southern District of California, to be holden at the Court Room of said Court, in Los Angeles, California, on the 10th day of May A. D. 1920 at 10 o'clock a. m. of that day and afterwards whenever or wherever he may be required to answer the said indictment and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said Court without leave first obtained, and if convicted shall appear for judgment and render himself in execution thereof, then this recognizance shall be void, otherwise to remain in full effect and virtue.

R W Canaga [SEAL.]

C E Williams [SEAL.]

L A Kerr [SEAL.]

Acknowledged before me the day }
 and year first above written, }

(Seal) H. W. Phipps

Commissioner U. S. Southern Court Southern District
 of California to take acknowledgments of bail, etc.
 United States Commissioner for the Southern Dis-
 trict of California

United States of America }
 SOUTHERN DISTRICT OF CALIFORNIA, } ss.

C. E. Williams and L. A. Kerr being duly sworn,
 each for himself deposes and says that he is a house-
 holder in said District, and is worth the sum of Two
 Thousand (\$2000) Dollars, exclusive of property ex-
 empt from execution, and over and above all debts and
 liabilities.

C E Williams
 L A Kerr

Subscribed and sworn to before me this }
 6th day of May, 1920 }

(Seal) H W Phipps

United States Commissioner U. S. Circuit Court for
 the Southern District of California.

The form of the foregoing Bond and the sufficiency
 of the sureties thereto is hereby approved.

(Seal) H W Phipps

United States Commissioner for the Southern District
 of California.

[Endorsed]: Original. No. 2047 United States
 District Court, Southern District of California
 UNITED STATES OF AMERICA vs. R W Canaga

BOND TO APPEAR In the sum of \$2000/00 With C E Williams and L A Kerr as sureties..... FILED JUL 16 1920 CHAS N WILLIAMS, Clerk By Maury Curtis, Deputy Clerk

UNITED STATES OF AMERICA DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, PLAINTIFF VS HENRY W. CRUMRINE, ET AL., DEFENDANTS UNITED STATES OF AMERICA, PLAINTIFF VS ROY W. CANAGA, ET AL., DEFENDANTS CLERK'S OFFICE No. Crim. Nos. 2033 and 2047 Consolidated. PRAECIPE

TO THE CLERK OF SAID COURT:

Sir:

Please issue a Certified Transcript of the following matter and documents, or copies thereof, including indorsements, upon Writ of Error to the United States Circuit Court of Appeals, for the 9th Circuit, in the following, to-wit;

- (1) Order overruling the demurrers of the defendants. (2) Order denying defendants motion for new trial. (3) Order denying defendants motion in arrest of judgment. (4) Sentence and Judgment of the court.

- (5) Bill of exceptions of defendants as approved and allowed by court.
- (6) Stipulation consolidating cases on appeal.
- (7) Petition for writ of error.
- (8) Assignment of errors.
- (9) Order allowing writ of error and bonds on appeal.
- (10) Writ of error.
- (11) Citation of the United States of America on Writ of Error.
- (12) Names and addresses of attorneys of record.
- (13) Bonds of defendants, William G. Fannon, Clyde H. Isgrig, O. T. LeFever, A. N. Miller and Roy W. Canaga.
- (14) Order approving and settling bill of exceptions.
- (15) Præcipe
- (16) Certificate of clerk of United States District Court of record ~~and judgment roll.~~
- (17) Indictment.

Davis Rush and MacDonalld
Allison and Dickson
Attorneys for Defendants.

[Endorsed]: Original. *No.* 2033 and 2047 Consolidated. U. S. District Court SOUTHERN DISTRICT OF CALIFORNIA United States of America vs. Henry W. Crumrine PRÆCIPE FOR Cert Transcript on Appeal *Filed* Jan 20 1921 Chas N. Williams *Clerk.* Louis J Somers *Deputy Clerk.*

IN THE DISTRICT COURT OF THE UNITED STATES, SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION.

HENRY W. CRUMRINE *et al.*,)
 Plaintiffs in Error,)
 vs.)
UNITED STATES OF AMERICA,)
 Defendant in Error,)
ROY W. CANAGA *et al.*,)
 Plaintiffs in Error,)
 vs.)
UNITED STATES OF AMERICA,)
 Defendant in Error.)

I, CHAS N. WILLIAMS, Clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing pages, numbered from 1 to inclusive, to be the transcript of record on writ of error in the above entitled cause, as printed by the plaintiffs in error and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the indictment, order overruling demurrers of defendants, order denying defendant's motion for new trial, order denying defendant's motion in arrest of judgment, sentence and judgment of the court, bill of exceptions of defendants, order approving and settling bill of exceptions, stipulation consolidating cases, assignment of errors, petition for writ of error, order allowing writ of error,

writ of error, citation on writ of error, bonds of defendants, and præcipe.

I DO FURTHER CERTIFY that the fees of the clerk for comparing, correcting and certifying the foregoing record on writ of error amount to _____, and that said amount has been paid me by the plaintiffs in error herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this _____ day of _____, in the year of our Lord one thousand nine hundred and twenty-one, and of our independence the one hundred and forty-fifth.

CHAS. N. WILLIAMS,

Clerk of the District Court of the
United States of America, in and
for the Southern District of Cali-
fornia.

By

Deputy.